

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE: AVANDIA MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION</b>	) ) ) )	<b>MDL No. 1871 07-MD-1871</b>
<b>THIS DOCUMENT RELATES TO:</b>	) ) )	
<b>Mark Shurtleff, Attorney General of the State of Utah <i>ex rel.</i> The State of Utah v. GlaxoSmithKline, LLC</b>	) )	<b>D. Utah, C.A. No. 2:11-CV-02915-CMR</b>

**PLAINTIFF’S UNOPPOSED MOTION TO EXTEND THE PAGE LIMITATIONS FOR  
ITS MOTION TO REMAND AND MEMORANDUM IN SUPPORT THEREOF**

**I. INTRODUCTION**

Plaintiff respectfully submits this Unopposed Motion to Extend the Page Limitations for its Motion to Remand and Memorandum in Support Thereof, and would show this Honorable Court as follows.

On November 9, 2010, the State filed this action in the Third Judicial District Court of Salt Lake County, West Jordan Department, against GlaxoSmithKline, LLC, formerly SmithKline Beecham Corporation d/b/a/ GlaxoSmithKline (hereinafter “GSK”). This action arises out of GSK’s wrongful and illegal marketing, sale, and promotion of the diabetes medication rosiglitazone maleate sold by GSK under the trade names Avandia®, Avandamet®, and Avandaryl® (hereinafter referred to as “Avandia”). The State asserts claims based

exclusively on Utah statutory and common law, including violations of the Utah False Claims Act, UTAH CODE ANN., § 26-20-7, the Utah Pattern of Unlawful Activity Act, UTAH CODE ANN. §§ 76-10-1601 *et seq.*, and the Utah Truth in Advertising Act, UTAH CODE ANN. § 13-11a-1 *et seq.*, as well as claims of strict products liability, fraud and misrepresentation, negligence, breach of express warranty, breach of implied warranty, and unjust enrichment. The State's Complaint contains no federal causes of action and indeed disclaims any such actions. *See* Original Complaint at ¶¶6, 100.

On December 13, 2010, GSK removed this action to the U.S. District Court for the District of Utah. Plaintiff timely filed a Motion to Remand, GSK file its Response in Opposition to Plaintiff's Motion to Remand, and Plaintiff filed its Reply in Support of its Motion to Remand. Prior to any ruling by U.S. District Judge Dee Benson, this matter was transferred to this Court by the United States Judicial Panel on Multi-District Litigation on April 18, 2011.

## **II. RULES AND ARGUMENT**

Pursuant to this Court's Policies and Procedures, all motions (other than Motions for Summary Judgment) shall not exceed fifteen (15) double-spaced pages. *See* Judge Cynthia M. Rufe's Policies and Procedures, ¶7.

This Court's Policies and Procedures do not specify a method for seeking to extend this page limitation. Nevertheless, Plaintiff suggests that this Court grant an extension of this limitation because good cause exists to do so and to limit Plaintiff's Motion to Remand to 15 pages would be unduly prejudicial. Specifically, the complexity and importance of the issues involved strongly suggest that Plaintiff should be given the fullest opportunity possible to present its arguments to this Court and to respond to issues raised by GSK in support of its removal of the action to Federal Court.

Plaintiff has conferred with GSK regarding the specific relief requested in this Motion to Extend the Page Limitation and Mr. Barry Boise, counsel for GSK, represented that Defendant GSK is unopposed.

**III. CONCLUSION**

For the reasons set forth herein, Plaintiff respectfully requests that this Court grant this Motion to Extend the Page Limitations for its Motion to Remand and Memorandum in Support Thereof and extend that limitation to no more than thirty-five (35) pages, and for such other and further relief as Plaintiffs maybe justly entitled.

Dated this 18<sup>th</sup> day of May, 2011.

Respectfully submitted,

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ATTORNEYS FOR THE STATE OF UTAH

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing PLAINTIFF'S UNOPPOSED MOTION TO EXTEND THE PAGE LIMITATIONS FOR ITS MOTION TO REMAND AND MEMORANDUM IN SUPPORT THEREOF was served on the following counsel of record via ECF procedures on May 18, 2011:

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